



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

British Emergency Legislation¹

THE present article deals with British Emergency Legislation since April 1917. From that date it includes Acts of Parliament to December 1918.

The Acts will be considered under the following heads: (a) Organization of Forces; (b) Care of Forces and their Dependents; (c) Economic Welfare of the Country; (d) Prevention of Demoralization and Maintenance of Order; (e) Acts Directed against the Enemy; (f) Reconstruction; and (g) Miscellaneous.

ORGANIZATION OF FORCES.

In July of 1915 a National Registration Act had been passed providing for the registration of all people between the ages of 15 and 65. No provision was made for the registration of people as they reached the age of 15. Therefore, on February 6, 1918 the National Registration (Amendment) Act, 1918,² was passed which provided for the registration of all male persons who were not liable to registration on August 15, 1915 under the previous act. This would include at the time of passing about a million boys between the ages of 15 and 17½³ as well as discharged men who had not registered in 1915 because they were members of some part of the King's naval, regular or territorial forces at that time. After the passing of this act men were to register as they were discharged or reached the age of 15. Any one who failed to register under the 1915 act and should have done so was to register at once. The idea of registering everyone, especially discharged men, was to make it possible to have a complete register of all males between the ages of 15 and 65. The men would not necessarily be used in the fighting forces but might be used in industrial work.⁴ As registered men changed their occupation, profession, or address they were to notify the local registration authority. If they lost their certificate of registration they could apply to the local authority who would furnish them a new one. Unregistered persons arriving in the United Kingdom were given 14 instead of 28 days in which to register. The employer was given the right

¹ This article is intended to serve as a continuation of an article, "British Emergency Legislation During the Present War" by Dr. L. Ehrlich, which appeared in the California Law Review for September, 1917.

² 7 & 8 Geo. 5 c. 60.

³ 101 H. C. Deb. 5s. p. 614.

⁴ 101 H. C. Deb. 5s. p. 615.

at any time to ask to see the certificate of registration of every male between the ages of 15 and 65 in his employ as well as of every male within those ages who applied for work. The employer was to allow them 7 days in which to show the certificate, at the end of which time he was to notify the local registration board, constables, or any person authorized in that behalf by the Director-General of National Service, of those who had not shown their certificate. The Act of 1915 applied to women as well as men. The Act of 1918 applied to men but gave the King the right by an Order in Council to extend it to women, except the part referring to the demands of the employer, police, etc.

The Military Service Act, 1918,⁵ also passed on the 6th of February, gave the Director General of National Service power to withdraw by an order any certificate of exemption at any time. This applied to the exemptions obtained, under the Military Service Acts of 1916 and 1917 on occupational grounds or by a man who had voluntarily attested.⁶

The Military Service (No. 2) Act, 1916, subjected all males between the ages of 18 and 41 to compulsory enlistment. April 18, 1918, Military Service (No. 2) Act, 1918,⁷ received the royal assent. It raised the age of compulsory enlistment to 51 for every male British subject who had been in Great Britain at any time since August 14, 1915. These men as well as those who attained the age of 18, with a few exceptions, were to be deemed as duly enlisted in the King's regular forces for general service or in reserve for the period of the war. The age was further extended to 56 for qualified medical practitioners, and the King by an order in council could extend the age to 56 for men generally or any class of men. By an order in council the King could extend the Act to Ireland, and by a proclamation he could withdraw any or all certificates of exemption in case of a national emergency. These orders in council and proclamation had to be laid before the Houses and, if either House within 14 days presented the King with an address praying that any of them be annulled, the King in council could annul them.

⁵ 7 & 8 Geo. 5 c. 66.

⁶ A man who voluntarily attested was one who voluntarily registered and classified himself. Classification in England was according to age and men were called into the service with respect to this classification.

⁷ 8 Geo. 5 c. 5.

Many aliens of allied countries, particularly Russians of whom there were at least 30,000 in England of military age, were buying up the business of English soldiers as these went to the front, thereby reaping many benefits and much wealth at the expense of the soldiers. Besides, they were weakening the man power of their own country and were not helping the allies.⁸ The Military Service (Conventions with Allied States) Act, 1917,⁹ was passed to help remedy this condition. According to the Act, the King by an order in council could signify that a convention had been made with a foreign country, allied or otherwise, acting in naval or military co-operation with the King in the war, imposing mutual liability to military service on the British in that country and on the subjects of that country in the United Kingdom. This would not affect a British subject in another country if he could prove to the British Ambassador or other public minister in that country that he was not domiciled in the contracting country, or that before going to that country he was ordinarily resident in some part of the King's dominions other than Great Britain. A British subject returning to Great Britain if not ordinarily resident there was to be deemed so for the purposes of Military Service Acts 1916 and 1917, from the date of his arrival, unless he could show that the part of the King's dominions last resided in was some part other than Great Britain. The convention between the countries was to provide that the subjects, if they wished, would be allowed to return to their country.

The Air Force (Constitution) Act, 1917,¹⁰ which was to continue in force as long as the Army Act, was "An Act to make provision for the establishment, administration, and discipline of an Air Force, the establishment of an Air Council, and for purposes connected therewith". The King was given the authority to raise and maintain an Air Force. Any man in the service of the Naval or Military Forces with his consent and subject to the approval of the Admiralty or Army Council could be transferred by the Air Council to the air force for the period of the war or a period not exceeding 4 years. He would not be liable to serve with this force for any longer period than he would be liable to serve if he continued in the

⁸ 93 H. C. Deb. 5s. p. 1551.

⁹ 7 & 8 Geo. 5 c. 26.

¹⁰ 7 & 8 Geo. 5 c. 51.

force from which he was transferred. Men who had been deemed by the Military Service Acts 1916 and 1917 enlisted in the regular forces and had been transferred to the reserve, or volunteer enlists so transferred could be called up for service and be liable to be placed in the Air Force. The Air Council was to consist of one of the King's Principal Secretaries of State as President with other members appointed by the King by order in council. This body would take the place of the Air Board constituted under the New Ministries and Secretaries Act, 1916, which Board would thereupon cease to exist. The King under the hand of the Secretary acting as President of the Air Council could make orders respecting the government, discipline, pay, allowances and pensions of the Air Forces, and other matters and things relating to it. The officers would enjoy all the powers, rights, immunities, and privileges enjoyed by other commissioned officers. The Army Act then in force, subject to a few modifications, was to apply to the Air Force.

The Royal Naval Reserve Act, 1859, provided for calling into actual service the Royal Fleet Reserve, Royal Naval Reserve, and Royal Naval Volunteer Reserve. According to the Act the men are liable to service for 3 years, while the King by proclamation may extend the term for the Royal Naval Reserve and Royal Fleet Reserve to 5 years.¹¹ The term of service for all three divisions was up August 3, 1917, and since the term for the Royal Naval Volunteer Reserve could not be extended by proclamation, Parliament passed the Royal Naval Volunteer Reserve Act, 1917,¹² giving the King power during the war, on any emergency, by proclamation to extend the term of service of the volunteers to 5 years from the date of their coming into actual service, if their services be so long required.

CARE OF FORCES AND THEIR DEPENDENTS.

During this period three bills relating to the administration of war pensions received the royal assent. The first one of these acts, Naval and Military War Pensions, &c (Administrative Expenses) Act, 1917,¹³ provided that all administrative expenses of any local committee established under the Naval and Military War Pensions &c Act., 1915, should be defrayed

¹¹ 93 H. C. Deb. 5s. p. 2086.

¹² 7 & 8 Geo. 5 c. 22.

¹³ 7 & 8 Geo. 5 c. 14.

by the council of the County or borough or urban district for whose area it was established. The Naval and Military War Pensions &c (Transfer of Powers) Act, 1917,¹⁴ dissolved the Statutory Committee, which had the supervision of local committees as well as other powers pertaining to pensions, and transferred these powers to the Minister of Pensions, except some powers repealed by the Act and others given to a committee, the Special Grants Committee, to be constituted by the Minister of Pensions. The members of the Statutory committee, however, were to be transferred and attached to the Ministry of Pensions. The funds of the committee were to be divided, £500,000 to go to "the Ministry of Pensions (Special Grants) Account" while the rest was to go to the Exchequer. Under the Naval and Military War Pensions, &c (Committees) Act, 1917,¹⁵ each local or district committee constituted under the Naval and Military War Pensions, &c Act, 1915, was to include at least two disabled men discharged from the naval or military service during this war and a woman in receipt of a pension as a dependent of a man who had died from causes arising out of his service in the war. Likewise sub-committees of any county or county borough, or any joint committee was to include at least two disabled men.

The National Insurance (Part I. Amendment) Act, 1917,¹⁶ reduced by 5 shillings a week the insurance paid a man formerly in the naval or military service who had been disabled in this war and was being paid a pension. This reduction was to be effective as long as he received a pension. By the National Insurance Act, 1911, an unemployed man was to receive one week's out-of-work benefit for every five weeks contribution paid. It was considered that conditions vary in different cases and that it is desirable for those who pay the benefit to have power to modify the proportion to be paid out.¹⁷ Accordingly the National Insurance (Unemployment) Act, 1918¹⁸ gave this power to the parties concerned. The Police Constables (Naval and Military Service) Act, 1917,¹⁹ provided for an increase of the weekly allowance paid to the wives and children of

¹⁴ 7 & 8 Geo. 5 c. 37.

¹⁵ 7 & 8 Geo. 5 c. 54.

¹⁶ 7 & 8 Geo. 5 c. 15.

¹⁷ 100 H. C. Deb. 5s. p. 940.

¹⁸ 7 & 8 Geo. 5 c. 63.

¹⁹ 7 & 8 Geo. 5 c. 36.

married constables in the naval or military service. This act did not extend to Ireland.

In Scotland before anyone can act as an executor of a deceased person, he must go to court and obtain confirmation which is granted, according to the existing law, only after a distinct and definite proof of the death of the person whose estate is concerned. This caused a difficulty with regard to the estates of soldiers reported missing. Some judges under the law refused confirmation.²⁰ To rectify this difficulty the Confirmation of Executors (War Service) (Scotland) Act, 1917,²¹ was passed. According to this Act petitions or applications for confirmation to the estates of persons serving in the naval or military forces of the Crown, and reported missing and presumed to be dead, must be accompanied with a certificate or intimation issued by or on behalf of the Admiralty or the Army Council which states that the report of death has been accepted for official purposes. This was to be considered as an oath or affirmation that the person died on the date appearing in the certificate or intimation. The provision was made, however, that 12 months must have elapsed between the date of death and filing of the petition or application, or 6 months elapsed since the date when the certificate or intimation was issued.

Section 11 of The Wills Act, 1837, authorizes "Any soldier in actual military service, or any mariner or seaman being at sea, to dispose of his personal estate as he might have done before the passing of that Act, though under the age of 21 years." The Wills (Soldiers and Sailors) Act, 1918,²² extends this section to any member of the naval or marine forces not only when at sea but when so circumstanced that, if he were a soldier, he would be in actual military service within the meaning of the section.

The Workmen's Compensation (War Addition) Act, 1917,²³ increased by 25 per cent the amount paid to workmen, entitled during total incapacity to a weekly payment by way of compensation under the Workmen's Compensation Act, 1906. This Act came into effect on September 1, 1917, and was to continue in force till 6 months after the war.

²⁰ 94 H. C. Deb. 5s. p. 2136.

²¹ 7 & 8 Geo. 5 c. 27.

²² 7 & 8 Geo. 5 c. 58.

²³ 7 & 8 Geo. 5 c. 42.

The Billeting of Civilians Act, 1917,²⁴ as explained by another writer,²⁵ "is an interesting illustration of the way in which workers far away from the battlefield have to be taken care of in the interest of modern warfare. A central Billeting Board (on which at least two seats are reserved for women) is to take charge of the question of billeting civilians, wherever any Government departments certify that the carrying on of any work is of national importance for the purposes of the present war and necessitates the provision of accommodation in any locality for persons employed on that work (which may be munitions work or any other kind of work.) The Act prescribes in detail how the Board shall form local committees and make regulations for them. It makes it compulsory for the occupier of any premises within a locality where the Act is in operation to give to the local committee any information reasonably required of him, to provide (if required to do so under the Act) billets, attendance, and meals or food for the persons billeted; the Act also lays down rules as to the settlement of disputes, as to the behavior of persons billeted, and as to compensation and other payments due to the occupier of the premises. The Act, furthermore, contains rules as to cases in which billeting can not take place without the consent of the occupier of the premises. The Act does not extend to Ireland." At the time this Act was passed the housing of workers brought to districts to increase the iron ore output was acute. It took more time, money and labor than the government had to spare to build barracks or small towns for the workers.²⁶

ECONOMIC WELFARE OF THE COUNTRY.

An Act which is to be effective until December 3, 1922, is the Corn Production Act, 1917.²⁷ The legislators of England realized that it was for the best interest of their country that every pound of bread and meat that could be raised at home should be raised there. Then, too, they wished to make it possible for returning soldiers and sailors to settle on the land under more prosperous conditions than heretofore. With these

²⁴ 7 & 8 Geo. 5 c. 20.

²⁵ Ludwik Ehrlich, "British Emergency Legislation During the Present War", pp. 440-441, n. 6, *supra*, n. 1.

²⁶ 92 H. C. Deb. 5s. p. 2127.

²⁷ 7 & 8 Geo. 5 c. 46.

ideas in mind they passed the above named act. The act includes many things of interest. A minimum price for wheat and oats was to be paid. Provision was made that if the average price paid for these grains was less than the minimum price the occupier was to be paid, in the case of wheat, four times, and oats, five times the difference between the minimum and average for each acre on which the grain was grown, provided it was not mixed with another crop, in which case the Board would decide what should be paid. An Agricultural Wages Board was to be established to fix the minimum wages for workmen in agriculture. Complaints as to inadequate payment for piece work where no minimum rate had been fixed was to be made to this committee. Agricultural rents were not to be raised because of the act. The Board of Agriculture and Fisheries if it thinks "(a) that any land is not being cultivated according to the rules of good husbandry; or (b) that for the purpose of increasing in the national interest the production of food, the mode of cultivating the land or the use to which any land is being put should be changed" is given power to serve notice on the occupier to change his plans. Of course, if the change means a breach of contract or covenant the Board can direct that such contract or covenant be suspended in so far as it impedes compliance with the directions. If the occupier fails to cultivate the land as directed and if he is a tenant, the Board can authorize the landlord to determine the tenancy of the holding; but if he is the owner, the Board can enter and take possession (either themselves or any person authorized by them) and cultivate it. If the crop is being destroyed by rabbits or vermin and the Board is satisfied that the occupier is not destroying them it may send in a person to destroy the vermin charging the costs to the occupier.

The Local Government (Allotments and Land Cultivation) (Ireland) Act, 1917,²⁸ was passed "for the purpose of enabling district councils to promote the cultivation of land during the present war." The Local Government Board was given power to authorize any urban district council to provide allotments for persons resident or employed in their district and further authorized any urban or rural district council to supply manures, seeds and agricultural implements to the holders or tenants of

²⁸ 7 & 8 Geo. 5 c. 30.

allotments or laborers' plots provided by the council and of small holdings situated within their district.

The extension and cultivation of flax were recognized to be essential for various purposes of national importance, including purposes connected with the war. Companies concerned in such cultivation needed financial assistance. To make this assistance possible the Flax Companies (Financial Assistance) Act, 1918,²⁹ was passed which provided that during the war and for 12 months thereafter, any company, association, or body of persons having received the consent of the Board of Trade could give financial assistance to flax companies.

By the Statutory Undertakings (Temporary Increase of Charges) Act, 1918³⁰ the government department, when it thinks the financial position of any undertaking, as tramway, supply of gas, water, hydraulic power and electricity has been adversely affected by circumstances arising out of the present war, may by an order provide for the modification of any statutory provisions regulating the charges to be made by the undertakers. This act is only effective for 2 years after the close of the war. The Courts (Emergency Powers) Act, 1917,³¹ gives the courts power to annul contracts for the construction of any building or work, or for the supply of any materials for any building or work which was entered into before August 4, 1914, if the Court thinks that the contract cannot be enforced without serious hardships owing to war conditions. Likewise the Court can suspend or annul any contract, as for the supply of water, light, heat, etc. which it thinks cannot be enforced without hardship due to the Defence of the Realm enactments, etc. This act further provides that no member of the House of Commons can be disqualified because of a contract or agreement entered into during the war as to the price or compensation to be paid him by the Government for any property requisitioned or needed by the Government. By the Increase of Rent and Mortgage Interest (War Restrictions) Act, 1915, a landlord could not raise a tenant's rent or put him out, but he might sell the property and the new owner could put the tenant out.³² The Increase of Rent, &c (Amendment) Act, 1918,³³ stopped this

²⁹ 8 & 9 Geo. 5 c. 24.

³⁰ 8 & 9 Geo. 5 c. 34.

³¹ 7 & 8 Geo. 5 c. 25.

³² 105 H. C. Deb. 5s. p. 495.

³³ 8 Geo. 5 c. 7.

practice for any one purchasing after September 30, 1917. The Act did not stop the right to purchase, but caused the purchaser to wait until after the war before occupying.

The Coal Mines Control Agreement (Confirmation) Act, 1918,³⁴ confirmed the agreement dated July 20, 1917 which provides for the compensation to be paid the owners of mines controlled by the Government. The Agreement is to cease to have effect, if not previously determined, 6 months after the termination of the war. The Fishery Harbours (Continuance of Powers) Act, 1917,³⁵ continued the power of making orders under the Fishery Harbours Act, 1915, until December 31, 1918. These powers were to have expired in 2 years. The Defence of the Realm (Food Profits) Act, 1918,³⁶ provided that any person selling goods at prices in excess of those allowed by the Food Controller should forfeit to the King double the amount received from the sale.

PREVENTION OF DEMORALIZATION AND MAINTENANCE OF ORDER.

Before April 26, 1917 three acts had been passed lengthening the life of Parliament. Besides the first three, three more were passed: Parliament and Local Elections Act, 1917,³⁷ was passed April 26, 1917, lengthening the life of Parliament a few months; Parliament and Local Elections (No. 2) Act, 1917,³⁸ was passed November 29, 1917 extending the life of Parliament 8 more months; and Parliament and Local Elections Act, 1918,³⁹ was passed July 30, 1918, thus prolonging the life of Parliament 6 additional months. When this Parliament began its life it reduced its term from 7 to 5 years. If it had not taken this step only 2 of the 6 acts just mentioned would have been necessary.⁴⁰ In the debates concerning these bills it was pointed out that to pass them was illegal;⁴¹ that there was the danger of setting up a precedent;⁴² and that the longer Parliament lived the further away was its contact with the electors.⁴³ On the other side it was stated that so long as the register remained

³⁴ 7 & 8 Geo. 5 c. 56.

³⁵ 7 & 8 Geo. 5 c. 39.

³⁶ 8 & 9 Geo. 5 c. 9.

³⁷ 7 Geo. 5 c. 13.

³⁸ 7 & 8 Geo. 5 c. 50.

³⁹ 8 & 9 Geo. 5 c. 22.

⁴⁰ 99 H. C. Deb. 5s. p. 244.

⁴¹ 92 H. C. Deb. 5s. p. 1548.

⁴² 92 H. C. Deb. 5s. p. 1543.

⁴³ 99 H. C. Deb. 5s. p. 240.

unchanged, an election would not give an expression of the views of the country, for many of the registered voters of July 1913 were on the battlefield (the bye-elections showed only 50% to 65% of the electors available);⁴⁴ that it was a bad policy to plunge the country into an election during the war;⁴⁵ that many members of the House who would wish to continue serving their constituencies were at the front; and that an election would be an uneconomical use of paper.⁴⁶ Parliament and Local Elections (No. 2) Act, 1917, provided further for the postponement of local elections, whether they had already been postponed or not, for another year, where the next statutory election was supposed to take place before October 1, 1918. The act of 1918 further postponed for another year the local elections of Great Britain, which should take place on or before March 1, 1919, and those of Ireland which should take place on or before March 15, 1919.

February 6, 1918 the Representation of the People Act, 1918,⁴⁷ received the royal assent. This bill was before Parliament for some time before it became an act. It was the result of the resolutions laid before the House of Commons by the Speaker's Conference which had met from October 1916 to January 1917. The bill was introduced into the House of Commons May 1917. Among the most important provisions was the giving of the vote to women, and making it possible for men in the service to vote. Men who had served in any of the forces during the war were given the right to vote at the age of 19. By this act these men were given a chance to vote and under the act an election was held in December 1918.

Under the Munitions of War Act, 1917⁴⁸ it is unlawful for a person to give employment to a workman who has been employed in connection with munitions work of a certain nature, unless they receive the consent of the Minister of Munitions. During the war this Minister, if he thought it necessary in order to maintain the output of munitions, might give direction as to the remuneration to be paid for work which at that time is paid at time rates. Controlled establishments can not, accord-

⁴⁴ 92 H. C. Deb. 5s. p. 1534.

⁴⁵ 92 H. C. Deb. 5s. p. 1524.

⁴⁶ 92 H. C. Deb. 5s. p. 1535.

⁴⁷ 7 & 8 Geo. 5 c. 64.

⁴⁸ 7 & 8 Geo. 5 c. 45.

ing to the act, alter piece prices, time allowances, or bonuses on output, or rates or prices payable under any other system of payments by results except in accordance with procedure which has been adopted by agreement between the owner of the establishment and the workmen before this act was passed and in force at that time, or by the direction of the Minister of Munitions, "which direction shall not be given except in accordance with an agreement between the owner of the establishment and the trade unions representing the workmen affected by the alteration." No workman in munition factories by this act could be discharged because he was a member of a trade union or because he had taken part in a trade dispute.

Before August 21, 1917, when the Solicitors (Examination) Act, 1917,⁴⁹ was passed, the Law Society was required to hold three times a year each of the three examinations which a man had to pass before becoming a solicitor. During the war there was not a sufficient number of candidates to justify more than two of each examinations a year.⁵⁰ Thus this act, which provided that it was not necessary to hold more than two of each of the solicitor's qualifying examinations. The Law Society could permit any candidate for final examination to present himself for examination at any time within six months before the termination of his term of service under the articles of clerkship. This law does not extend to Ireland or Scotland and is to continue at least for one year after the termination of the war. Under the Solicitors (Articled Clerks) Act, 1918,⁵¹ any articled clerk, who had served in the forces or any other public service connected with the war, of a character approved by the Master of Rolls, or had been detained as a civic or military prisoner in an enemy country since August 3, 1914, was to be reckoned for all purposes as having spent that time under his Articles of Clerkship if the Law Society was satisfied as to the fact and length of such service, detention or internment, and if the articled clerk had complied in other respects with the acts. This act, also, does not refer to Ireland and Scotland.

Another act which likewise does not apply to these countries is the Juries Act, 1918.⁵² According to this act, except in a

⁴⁹ 7 & 8 Geo. 5 c. 43.

⁵⁰ 97 H. C. Deb. 5s. p. 522.

⁵¹ 8 & 9 Geo. 5 c. 16.

⁵² 8 & 9 Geo. 5 c. 23.

few cases, every action, counterclaim, issue, cause, or matter in the High Court requiring to be tried shall be tried by a judge alone without a jury. The upper age limit for jury service was extended from 60 to 65 years. The King by an order in council was empowered to modify statutory provisions relating to the preparation and publication of jury lists in order to avoid unnecessary expense. By the act a Coroner, if he is satisfied with all the circumstances, may hold an inquest without a jury, except in the case of a person dying in prison or a person appearing to have met death by murder or manslaughter. This act is to be effective for six months after the war. The Coroners' (Emergency Provisions) Act, 1917,⁵³ provided that during the war and for six months thereafter, 11 instead of 23 jurymen should be summoned by the coroner and that 7 instead of 12 should be on the jury.

According to Societies (Suspension of Meetings) Act, 1917,⁵⁴ when the appropriate authorities are satisfied, the meetings of approved societies, friendly societies, or trade unions could be dispensed with during the war. The societies would have to show that it would be inexpedient to meet because of the small number who would assemble or the number who would have to travel for the meeting. The old officers, in such cases, would remain in office. Due to vacancies in the ranks of the clergy with others wanting to enter the service it was necessary for Parliament to pass an act relating to ecclesiastical services since there were legal difficulties for suspending services otherwise. According to law certain services must be held in the churches and no power could suspend them at will.⁵⁵ This act, Ecclesiastical Services (Omission on Account of War) Act, 1917,⁵⁶ provided that during the war and for 3 months thereafter, the clerk in holy orders authorized in writing by the bishop of the diocese may omit "all or any public services or duties in or in connection with any church, chapel, or other place of public worship." It was not intended that the church should be closed entirely but that the services would alternate from church to church. John Wesley in his Deed of Declaration or Deed Poll dated February 28, 1784 makes provision for the yearly con-

⁵³ 7 & 8 Geo. 5 c. 19.

⁵⁴ 7 & 8 Geo. 5 c. 16.

⁵⁵ 91 H. C. Deb. 5s. p. 2142.

⁵⁶ 7 Geo. 5 c. 5.

ference of the Methodists and the powers of that conference. The 11th regulation provides: "the Conference shall not nor may nominate or appoint any person to the use and enjoyment of or to preach and expound God's Holy Word in any of the chapels and premises so given or conveyed, or which may be given or conveyed upon the trusts aforesaid, who is not a member of the Conference or admitted into connection with the same, or upon trial as aforesaid, nor appoint any person for more than three years successively to the use and enjoyment of any chapel and premises already given or to be given or conveyed upon the trusts aforesaid, except ordained ministers of the Church of England."⁵⁷ This regulation could not be changed without the authority of Parliament; so that body passed the Wesleyan Methodists (Appointment during the War) Act, 1917⁵⁸ which provided that during the continuance of the war and thereafter until the holding of the next conference, the provisions of this regulation should be changed so as to omit the words after "upon trial as aforesaid."

ACTS DIRECTED AGAINST THE ENEMY.

By the British Nationality and Status of Aliens Act, 1918,⁵⁹ the Secretary of State can revoke by order the certificate of naturalization granted by him which he is satisfied was granted under false representation or fraud or concealment of material circumstances, or if the person to whom it is granted shows himself by act or speech to be disloyal to the King. Unless the Secretary of State so orders, the wife and minor children of any such person will remain British subjects. After six months she can make a declaration of alienage and then she and the minor children will cease to be British subjects. If by birth she is British, the Secretary of State can not make an order of alienage for her unless he is satisfied that if she had held a certificate of naturalization in her own right it could have been revoked. Persons affected by this part of the act will be considered aliens and subjects of the State to which they belonged when they got their certificate. For 10 years after the termination of the war no certificate of naturalization can be granted in the United Kingdom to any subject of a country which at the time of

⁵⁷ 7 & 8 Geo. 5 c. 29.

⁵⁸ See n. 57, *supra*.

⁵⁹ 8 & 9 Geo. 5 c. 38.

the passing of the act (August 8, 1918) was at war with the King, except: (a) a man who served in the forces of the King or his allies or any country acting in naval or military co-operation with the King; (b) a member of a race or community known to be opposed to the enemy Government; and (c) a man who was at birth a British Subject. The Titles Deprivation Act, 1917⁶⁰ provided for a committee of the Privy Council which should "inquire into and report the names of any persons enjoying any dignity or title as a peer or British prince who have during the present war, borne arms against the King or His Allies, or who have adhered to the King's enemies". The report of the committee is to lay on the table of both Houses 40 days, after which, if there has been no motion passed disapproving, it will be sent to the King and the names of such peers will be struck out of the Peerage Roll and all rights and privileges will cease. The successor to such a peer may petition the King to put his name on the Peerage Roll. If the committee approves it will be done.

Trading with the Enemy (Amendment) Act, 1918,⁶¹ gives the Board of Trade power to make an order requiring a company or association of enemy nationality to be wound up whether its business had previously been wound up or not. For 5 years immediately after the termination of the war, and longer if Parliament wishes, no banking business can be carried on within the United Kingdom by (a) a company which is an enemy controlled corporation or (b) a firm or individual, if the business carried on is one, if the war still continued, for which an order for winding up could have been made. At the outbreak of the war the world's markets in nonferrous metals (zinc, copper, tin, lead, nickel, aluminum, etc.) was largely controlled by a group of German metal companies.⁶² With the idea of keeping this industry free from the control of the enemy the Non-Ferrous Metal Industry Act, 1918,⁶³ was passed which is to remain in force for 5 years after the termination of the war. The act makes it unlawful to carry on the business of winning, extracting, smelting, dressing, refining, or dealing by way of wholesale trade, in non-ferrous metals or metallic ores unless

⁶⁰ 7 & 8 Geo. 5 c. 47.

⁶¹ 8 & 9 Geo. 5 c. 31.

⁶² 100 H. C. Deb. 5s. p. 166.

⁶³ 7 & 8 Geo. 5 c. 67.

licensed by the Board of Trade. The Board of Trade may require information and inspect documents when it wishes.

RECONSTRUCTION.

As early as 1917 we find Parliament providing for the period after the termination of the war. They wished to be ready for this period as they had not been ready for the war. Accordingly the New Ministries Act, 1917,⁶⁴ was passed August 21, 1917, making it lawful for the King to appoint a Minister of Reconstruction who should hold office during the King's pleasure. It is to be his duty to consider and advise upon the problems which might arise out of the war and might have to be dealt with upon its termination. For these purposes he can institute and conduct such inquiries, prepare such schemes, and make such recommendations as he thinks fit. Some of the problems to be considered are: the commercial and industrial policy, the development of national and imperial resources, maintenance of new industries (almost created by the war), supply of raw material, conservation of coal, shipping, agricultural policy, demobilization, housing, education, etc.⁶⁵ The office is to cease 2 years after the conclusion of the war or at an earlier date if fixed by the King in Council. The powers of the Minister of Munitions were extended by the Ministry of Munitions Act, 1918,⁶⁶ to include the supervision and regulation of the diversion to the production of articles required in times of peace, of the industries established or utilized during the present war for the purpose of the production of war material.

The Defence of the Realm (Employment Exchanges) Act, 1918,⁶⁷ authorizes taking possession by the Commissioners of Works with the consent of the Treasury, of land, including buildings, which the Minister of Labour certifies is required in connection with any scheme of demobilization for purposes of employment exchanges or for the accommodation of the staff of any department of the Ministry constituted for reinstating in civil life the people who, during the war, were engaged in the King's forces or any work of national importance.

⁶⁴ 7 & 8 Geo. 5 c. 44.

⁶⁵ 96 H. C. Deb 5s. p. 1606.

⁶⁶ 8 & 9 Geo. 5 c. 60.

⁶⁷ 8 & 9 Geo. 5 c. 58.

MISCELLANEOUS.

The Naval Prize Act,⁶⁸ provided for a Naval Prize Fund to be placed under the control of the Admiralty. The money received from the sale of captured merchant ships and cargoes was to be put in this fund and from it was to be drawn the money for certain costs, charges, expenses and claims as well as a grant of prize money. The Post Office Act, 1918,⁶⁹ makes it lawful to alter the statutory limits of postal rates, increasing them if thought necessary.

On August 21, 1917 and July 30, 1918 were passed War Loan Act, 1917,⁷⁰ and War Loan Act, 1918,⁷¹ respectively. These were to provide for the raising of money for the war, as their name implies. The Government War Obligations Act, 1918,⁷² provided money for the fulfillment of Government war obligations incurred since the passing of the Government War Obligations Act, 1916.

The Termination of Present War (Definition) Act, 1918,⁷³ which was passed November 21, 1918 gives the King in Council power to declare the date that is to be treated as the termination of the war. Likewise, the King in Council is to declare the date to be treated as the date of the termination of war between the King and any particular State. The date so declared should be, as nearly as may be, the date of exchange or deposit of ratification of a treaty or treaties of peace. In the case of any powers of any Government Department or any officer of the Government Department exerciseable during the continuance of the present war, if the King thinks it expedient for those powers to cease before the date fixed, the King in Council may fix an earlier date for the termination of those powers.

H. Geraldine Lester.

Berkeley, California.

⁶⁸ 8 & 9 Geo. 5 c. 30.

⁶⁹ 8 & 9 Geo. 5 c. 10.

⁷⁰ 7 & 8 Geo. 5 c. 41.

⁷¹ 8 & 9 Geo. 5 c. 25.

⁷² 8 & 9 Geo. 5 c. 28.

⁷³ 8 & 9 Geo. 5 c. 59.